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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,512	12/18/2000	Jaquelyn Annette Martino	US000363***	3118

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EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT PAPER NUMBER

2677

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,512

Applicant(s)

MARTINO ET AL.

Examiner

Kimnhung Nguyen

Art Unit

2677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Application has been examined. The claims 1-11 are pending. The claims 12-19 are withdrawn. The examination results are as following.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (US 6,597,374) in view of Chung et al. (US 6,877,096).

Regarding claims 1, 6, Baker et al. discloses in figures 1-3, a user interface comprising at least two objects (see 37 code sets), each associated with a respective data set consisting of at least one datum; a controller (remote control 10) connected to a data store programmed to perform an operation on said respective data sets (see code sets 37, fig. 2), the controller (10) having a receiver (39); at least one transmitter (38) operatively, a control signal is transmitted to the receiver corresponding to an operation to be performed on at least one of the data sets (see 37 code sets), the controller being programmed to perform the operation (see col. 3, lines 65-67, and col. 4, lines 1-48). However, Baker et al. does not disclose that at least one transmitter operatively associated with at least two objects and responsive to a mechanical state of the at least two objects. Chung et al. discloses in figs. 1-2, a system device having a transmitter

Art Unit: 2677

operatively associated with at least two objects (see tokens or disc 120) and responsive to a mechanical state of the at least two objects (see fig. 2, see col. 3, lines 55-67, col.4, lines 1-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the using of a transmitter operatively associated with at least two objects and responsive to a mechanical state of the at least two objects as taught by Chung et al. into the system of Baker because this would contain an RFID device responsive to a different frequency, and reader sweeps through a band of frequencies to determine which discs are present.

Regarding claims 2-3, Baker et al. does not disclose the at least two object are tokens or beads connected by a wire. Chung et al. discloses the at least two object are tokens or beads connected by a wire (see fig. 3, see col. 5, lines 52-54).

Regarding claim 4, Baker discloses further comprising a console (fig. 3), the console housing the transmitter (see figs. 1-2). Chung et al. discloses the at least two objects as discussed.

Regarding claims 5, 7, Baker discloses that the console has a display (16, fig. 1) and at least one control switch (18A, 18B), the control signal being responsive to data entered through said at least one control switch and an image of said display being responsive to the control switch.

Regarding claim 8, Baker et al. does not disclose the tokens are beads connected by one or more flexible connectors. Chung et al. discloses the tokens are beads connected by one or more flexible connectors (see col. 5, lines 52-54).

Regarding claims 9-11, Baker et al. discloses the user interface includes a contact elements that is configured to permit the controller to detect in contact with interface (see col. 4,

Art Unit: 2677

lines 11-14). However, Baker et al. does not disclose that each token has a device containing a code uniquely identifying the token such that the controller can distinguish between said tokens (see each disc 120 will contain an RFID and responsive to a different frequency, see col. 4, lines 1-7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the using of each token has a device containing a code uniquely identifying the token such that the controller can distinguish between the tokens as taught by Chung et al. because this would contain an RFID device responsive to a different frequency, and reader sweeps through a band of frequencies to determine which discs are present.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number is (571) 272-7698. The examiner can normally be reached on MON-FRI, FROM 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimnhung Nguyen
July 23, 2005



**ALEXANDER EISEN
PRIMARY EXAMINER
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